

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

GERALD L. CAMPBELL §
VS. § CIVIL ACTION NO. 1:06cv373
U.S. DEPARTMENT OF JUSTICE §

MEMORANDUM OPINION REGARDING VENUE

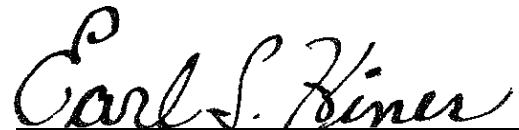
Plaintiff Gerald L. Campbell, an inmate confined in the Federal Correctional Institute at Beaumont, Texas, proceeding *pro se*, brings this lawsuit pursuant to *Bivens v. Six Unknown Agents of the Bureau of Narcotics and Dangerous Drugs*, 403 U.S. 388 (1971), against the United States Department of Justice, Captain Jefferson and Fredrick Miniffee. The individual defendants are employed at the United States Penitentiary in Pollock, Louisiana. Plaintiff complains that he lost certain property while at the institution in Pollock.

Venue in a civil rights action is governed by 28 U.S.C. § 1391(b). See *Davis v. Louisiana State University*, 876 F.2d 412 (5th Cir. 1989). Section 1391(b) provides that civil cases not founded solely on diversity of citizenship must be brought in the judicial district where: (1) the defendant resides; (2) a substantial part of the events or omissions giving rise to the claim occurred or (3) where any defendant may be found if there is no district in which the action might be otherwise brought. The statute further provides that the court may transfer a civil rights action or claim to any proper judicial district or division "for

the convenience of the parties and witnesses or in the interest of justice."

Plaintiff complains of events which occurred in Pollock, Louisiana, which is in the Western District of Louisiana. The individual defendants appear to reside in the Western District of Louisiana. Accordingly, venue is not proper in the Eastern District of Texas. This case will therefore be transferred to the United States District Court for the Western District of Louisiana. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

SIGNED this 29 day of August, 2006.

A handwritten signature in black ink, reading "Earl S. Hines", written over a horizontal line.

EARL S. HINES
UNITED STATES MAGISTRATE JUDGE